

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARIA RAYGOZA, individually and on behalf)
of the class defined herein,)
Plaintiff,) Case No.: 08 CV 2891
v.) Judge Moran
FIRST RESOLUTION INVESTMENT) Magistrate Judge Schenkier
CORPORATION,)
Defendant.

MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO RULE 12(B)(6)

Defendant, First Resolution Investment Corporation ("FRIC") by and through its attorneys, David M. Schultz and Corinne C. Heggie, and for its Rule 12(b)(6) Motion to Dismiss Plaintiff's Complaint, states as follows:

1. Plaintiff's Complaint alleges that FRIC violated the Fair Debt Collection Practices Act, 15 U.S.C. §§1692e, 1692e(2), 1692e(5), 1692e(10) and 1692f ("FDCPA"), Illinois Collection Agency Act, 225 ILC 425/8b ("ICAA") and Illinois Consumer Fraud Act, 815 ILCS 505/2 ("ICFA") by filing a lawsuit for collection of a debt from her without having an assignment that complies with Section 8b of the ICAA and without attaching the assignment to the collection complaint.

2. Plaintiff's argument fails for several reasons which are discussed further in defendant's Memorandum of Law in support of its Motion to Dismiss which is filed contemporaneously with this Motion.

WHEREFORE, Defendant First Resolution Investment Corporation respectfully requests this court grant its Motion to Dismiss and dismiss plaintiff's Complaint with prejudice.

Respectfully submitted,

HINSHAW & CULBERTSON LLP

By: s/Corinne C. Heggie

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First Resolution Investment Corporation

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